

<b>App.No:</b> 141613	<b>Decision Due Date:</b> 17 March 2015	<b>Ward:</b> Devonshire
<b>Officer:</b> Richard Elder	<b>Site visit date:</b> 10 March 2015	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 13 February 2015 <b>Neighbour Con Expiry:</b> 13 February 2015 <b>Weekly list Expiry:</b> 15 February 2015 <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Referred to committee		
<b>Location:</b> 16 Beach Road, Eastbourne		
<b>Proposal:</b> Change of use from Class D2 to Class D1 (non-residential institution). No external changes proposed.		
<b>Applicant:</b> Ms Christine Mannell		
<b>Recommendation:</b> Approve conditionally		

**Executive Summary:**

It is considered that the parking impact and activities associated with a D1 (non-residential institution) use as a Church would not significantly differ from any other potential uses within D2 use class which would not require further planning permission allowed under the Town and Country Planning (Use Classes) Order 1987. As such, it is considered that the impact of the change of use would be neutral at best and refusal of permission based on parking grounds would be unreasonable and difficult to justify.

The proposed opening hours are until 22.00 with activities finishing mainly at 21.30 and this would be conditioned as such. This would be a significant improvement on the existing use where the hours are unrestricted and would enable the hours of use for the current and any future use requiring planning permission to be controlled.

**Planning Status:**

Predominantly residential area close to shops and other local business premises.

**Relevant Planning Policies:**

National Planning Policy Framework 2012

1. Building a strong, competitive economy

2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure.
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting green belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

#### Core Strategy Local Plan 2013 Policies

B1 Spatial Development Strategy and Distribution

B2 Creating Sustainable Neighbourhoods

C3c Seaside Neighbourhood Policy

#### Eastbourne Borough Plan Saved Policies 2007

UHT1 Design

UHT4 Visual Amenity

HO20 Residential Amenity

TR11 Parking

#### **Site Description:**

A 2 storey building currently in use as an unrestricted D2 members club located on the south west side of Beach Road. The building occupies virtually all of the site with no outside space and is currently vacant.

The building is surrounded mostly by residential buildings except for the motor vehicles sales and repairs premises adjacent at no.14 within Beach Mews.

#### **Relevant Planning History:**

EB/1985/0387 Alterations to provide new beer and refuse stores at front, and re-siting of entrance steps. Granted, subject to conditions.  
1985-09-18

EB/1962/0646 Additions and minor alterations to club room.  
Granted. 1962-12-20

EB/1950/0250 Continuance of the use as a non-residential club in Use Class XXII. Granted, subject to conditions. 1950-06-22

950145 Provision of fire escape at front and repositioning of mast.  
Planning Permission Approved conditionally 06/04/1995

**Proposed development:**

Application involves the change of use of a Royal Naval Old Comrades members club (use class D2) to a Church (use class D1).

The supporting information states that a maximum of 35-50 people are likely to attend and opening hours are as follows:

Monday to Sunday – 08.30 – 22.00.

The applicants have confirmed that the main use times would be on Sunday mornings for services and Wednesday evenings. The building would be open for other meetings/purposes as follows:

Main use times each day - 10am-1pm

Sunday – 18.00 - 20.30

Wednesday - 19.30 - 21.30

Evening use would finish by 21.30

Max. no. cars anticipated is 10, no different to former Naval club. No parking spaces are provided.

The Applicants are hopeful of gaining membership from immediate vicinity, therefore not increasing parking. Former Ceylon Baptist Church group, current numbers are 30-35 people. Would like to see numbers increase to 50.

No external alterations are proposed to the building.

**Consultations:**

Internal:

Specialist Advisor (Planning Policy) – No objection

External:

ESCC Highways – To be reported at Committee if received

**Neighbour Representations:**

3 objections have been received and cover the following points:

- Would add to Parking difficulties in the area.
- Unable to park near homes.
- Noise from use within a residential area

**Appraisal:**

The main considerations in the determination of this application are the impact of the proposed use on the amenities of surrounding residential occupiers and on-street parking availability particularly in the evening and at weekends.

### Principle of Development

Policy LCF20 of the Eastbourne Local Plan states that planning permission will be granted for class D1 uses (non-residential institutions) in the following locations:

- areas identified in Policy TC10 of this Plan;
- edge of the district, local or neighbourhood shopping centres (as defined in Policy SH1).

Provided that:

- a) there is no detrimental effect on residential or visual amenity (see Policies HO20 and UHT4);
- b) appropriate provision is made for access by people with disabilities and with mobility problems;
- c) the development has good, safe access by public transport, on foot and by bicycle;

The premises are located close to the shopping parades on Seaside and between 2 designated local shopping centres on Seaside. The location has sufficient access to buses along Seaside, on foot and by bicycle and is relatively close to the Town Centre.

There is no possibility of the provision of off street parking due to the building occupying most of the site. However, given its current use as an unrestricted D2 use, there is currently no off-street parking afforded to this use and parking would have been accommodated historically within the surrounding streets.

As such, it is considered that the principle of development for this change of use would be appropriate given the sites location and its current D2 use (assembly and leisure), subject to other planning policies.

### Impacts on highway network or access:

Policy TR11 of the Eastbourne Local plan states that new development must comply with approved maximum car parking standards as set out in the East Sussex County Council Highways SPG parking standards.

The site is not capable of providing any off-street parking spaces. The applicants have not provided any supporting information or parking surveys to back up their case.

It is acknowledged that the site is located within acceptable walking distance of bus routes in Seaside but the railway station (and Town Centre) is approximately 1600m walking distance and therefore somewhat higher than the 1200m distance recommended. The site cannot therefore be considered to be in a highly sustainable location where car parking is not required but is not far away.

It is also acknowledged that the Manual for Streets does state that it is not always necessary to provide parking on-site and this could be acceptable where adjacent streets are able to easily to accommodate the increase in parking.

During a site visit to the premises on a Tuesday, mid-afternoon, it was noted that there plenty of on-street parking spaces in Beach Road. It is acknowledged that this would be busier in the evenings and weekends and there have been several objections from local residents objecting on the grounds of lack of parking in the area to accommodate visitors and the difficulties in parking close to their homes. Additional parking pressures could therefore lead to inappropriate parking which would be detrimental to road safety especially given the sites location so close to a junction.

In order to consider a development without parking in this area, robust information should have been submitted with the application (e.g. parking surveys) to prove that the extra parking created could be easily accommodated but none has been provided.

However, the current use of the building falls within an unrestricted D2 use (assembly and leisure) and could change use to a cinema, a concert hall, a bingo hall, a dance hall or a gymnasium among other uses without further planning permission. These uses could potentially have a significantly more harmful impact on parking availability than that proposed as well as additional anti-social noise impacts in the evening.

As such, it is considered that the parking impact and activities associated with a D1 (non-residential institution) use as a Church would not significantly differ from any of these potential D2 uses. As such, it is considered that the impact of the change of use would be neutral at best and refusal of permission based on parking grounds would be unreasonable and difficult to justify.

It is considered, therefore, on balance that the proposed use would not significantly differ to the impact and associated activities of the existing or potential D2 uses which would not require further planning permission.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

Policies HO20 of the Eastbourne Local Plan requires new development proposals and extensions to existing buildings to respect residential amenity.

Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

The potential adverse impacts from the proposed use would be from noise within the building being audible from outside the building and the lack of parking availability within the surrounding streets, mainly on a Sunday.

The potential impact on parking availability has been dealt with above in its comparison with unrestricted potential uses within the same use class.

Audible noise outside of the building can be dealt with under Environmental Health legislation by service of a noise abatement order and hours of use can be controlled by condition to ensure that the use does not operate late into the evening or early in the morning.

As mentioned above, the current use of the building falls within an unrestricted D2 use (assembly and leisure) and could change use to a cinema, a concert hall, a bingo hall, a dance hall or a gymnasium among other uses without further planning permission. These uses could potentially have a significantly more harmful impact on residential amenity than the proposed use, especially in the evening and late night hours given the current hours of use are unrestricted.

The current use is of the premises as a members club involves the consumption of alcohol, meetings/functions and potentially playing of live music with unrestricted opening hours. It is considered that this use has potentially more adverse impacts on surrounding residential amenity than that proposed.

The proposed opening hours are until 22.00 with activities finishing mainly at 21.30 and this would be conditioned as such. This would be a significant improvement on the existing use and would enable the hours of use for the current and any future use requiring planning permission to be controlled.

As such, it is considered on balance that the potential residential amenity impact would not be significant and at worst may be an improvement on the current use as an unrestricted members club.

#### **Human Rights Implications:**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

#### **Conclusion:**

It is considered that the parking impact and activities associated with a D1 (non-residential institution) use as a Church would not significantly differ from any other potential uses within D2 use class not requiring planning permission. As such, it is considered that the impact of the change of use would be neutral at best and refusal of permission based on parking grounds would be unreasonable and difficult to justify.

The proposed opening hours are until 22.00 with activities finishing mainly at 21.30 and this would be conditioned as such. This would be a significant improvement on the existing use and would enable the hours of use for the current and any future use requiring planning permission to be controlled.

**Recommendation:**

Approve conditionally

**Conditions:**

1. Time limit
2. Strict accordance with approved drawings
3. Hours of use (08.30 – 22.00 Monday to Sunday)
4. No noise audible outside of the building.